

03-18-08

PATENT APPLICATION  
Docket No.: 4359-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Garry R. WHYTE      Conf. No.: 7645  
Serial No.: 10/624,872      Examiner: Kidest BAHTA  
Filed: July 21, 2003      Art Unit: 2125  
For: CODE FOR OBJECT IDENTIFICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

2008 MAR 19 AM 11:45

**REQUEST FOR REFUND TO DEPOSIT ACCOUNT UNDER MPEP §706.07(f)**

Applicant respectfully requests a refund to Deposit Account No. 13-1703 in the amount of \$1,050.00. On August 6, 2007, the Examiner issued a Final Office Action. On September 8, 2007, the Applicant responded to the Final Office Action, submitting a response documenting a telephone interview in which the Examiner confirmed she would give consideration to the discussed issue before issuing a new response. As of February 6, 2008, the Examiner had not mailed out an Advisory Action. Therefore, the shortened statutory period for response continued until February 6, 2008, the statutory deadline for responding to the final Office Action (see MPEP §706.07(f)).

On February 6, 2008, the Applicant filed a Notice of Appeal, a Request for Pre-Appeal Brief Conference and Arguments in Support of Pre-Appeal Brief Conference. The U.S. Patent Office debited Deposit Account No. 13-1703 in the amount of \$1,050.00 for the fee for a three month extension of time to respond to the Final Office Action. As no Advisory Action had been issued, the charge for the three month extension fee is erroneous. A copy of the PTO Fee Worksheet noting inclusion of a fee for the three month extension of time in the amount of \$1,050.00 is attached.

Accordingly, Applicant respectfully requests a refund in the amount of \$1,050.00 to Deposit Account No. 13-1703 for the March 3, 2008 charge to the deposit account.

Respectfully submitted,  
MARGER JOHNSON & McCOLLOM, P.C.



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